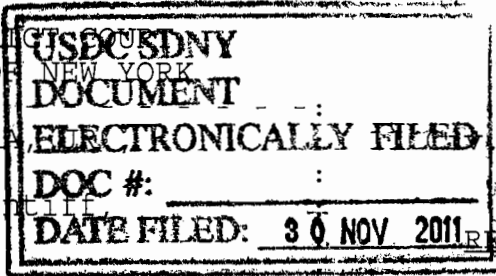


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----  
TOLEKSIS BIIN TUTORIA



MEMO ENDORSED

3270 (LTS) (JCF)

Plaintiff,

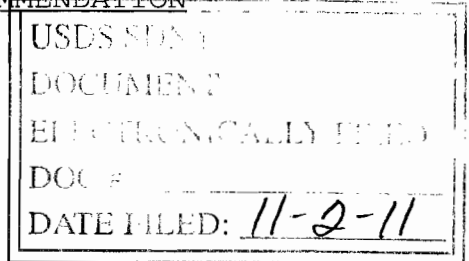
REPORT AND  
RECOMMENDATION

- against -

MR. KRAWEC, Unit Chief, DR.  
KATHPALIA, Psychiatrist, DR.  
RAMASREE, Psychiatrist,

Defendants.

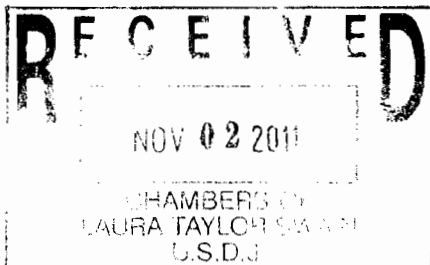
TO THE HONORABLE LAURA T. SWAIN, U.S.D.J.:



The complaint in this action was filed on May 4, 2011, and an order for service was issued on June 15, 2011. However, service was never made on the defendants. By letter dated October 19, 2011, I advised the plaintiff to submit within two weeks any reasons why the action should not be dismissed. I received no reply. I therefore recommend that the complaint be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Laura T. Swain Room 755, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,

*James C. Francis IV*  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE



*11/30/11*  
1 LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

*No timely objection having been received, the Report is adopted as not clearly erroneous, and the complaint is dismissed without prejudice. The clerk of court is requested to close this case. Any appeal from this order would not be taken in good faith.*

*Copies mailed/faxed to Plaintiff 11-30-11*  
Chambers of Judge Swain

Dated: New York, New York  
November 2, 2011

Copies mailed this date to:

Toleksis Biin Tutora, Jr.  
425 Robinson St.  
Binghamton, New York 13904